



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

999 18th STREET - SUITE 300
DENVER, COLORADO 80202-2466

August 19, 2003

Ref: 8ENF-T

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mark Pifher, Director
Water Quality Control Division
Colorado Department of Public Health and Environment
4300 Cherry Creek Drive South
Denver, Colorado 80246-1530

NOTICE OF VIOLATION
Docket No. **SDWA-08-2003-0043**

Re: Moraine Park Water System
Lake County, CO
PWS# CO0125518

Dear Mr. Pifher:

The above referenced public drinking water system has violated certain provisions of the Safe Drinking Water Act (SDWA), 42 U.S.C. § 300f, et seq. and the National Primary Drinking Water Regulations at 40 C.F.R. Part 141. The Colorado Department of Public Health and Environment (CDPHE) has addressed many of the violations identified below with multiple Enforcement Orders (Order) issued between 1997 and 2002. However, the system has not returned to compliance after receiving the Orders, but has continued to violate the drinking water regulations and the Orders. The violations consist of failure to monitor for total coliform bacteria, failure to take four repeat samples after a total coliform positive sample result, failure to take five routine samples for total coliform bacteria the month following a total coliform positive sample result, failure to monitor for nitrate/nitrite, exceedance of the acute maximum containment level (MCL) for total coliform bacteria, failure to monitor for radionuclides, failure to submit a corrosion control study, failure to monitor for inorganic contaminants, failure to submit a Consumer Confidence Report (CCR), failure to post public notice and send copies of the public notices to the CDPHE and failure to notify the State of these violations. Our records, obtained from the CDPHE and the SDWIS-Fed database indicate the violations noted below. Please notify Olive Hofstader of my staff at (303) 312-6467 within 20 days if your records show any discrepancies with these determinations of violation.



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Date of
Violation

Violation

Dec. 1998,
Jan., March, June, July, Sept.,
and Nov. 1999,
Feb. and Dec. 2000,
July, Sept., Oct., and Nov. 2001,
Jan. - April, July - Dec. 2002,
Jan. - April 2003

Failure to monitor for total coliform bacteria. (40 C.F.R. § 141.21)

Nov. 1998,
April 1999,
Sept. 2000

Failure to take four repeat samples after a total coliform bacteria positive result. (40 C.F.R. § 141.21(b))

May 1999,
August 2000

Failure to take 5 routine samples the month after a total coliform bacteria positive result. (40 C.F.R. § 141.23(b)(5))

1999, 2000, and 2002

Failure to monitor for nitrate/nitrite. (40 C.F.R. § 141.23(d-e))

March 2000

Exceeded the acute MCL for total coliform bacteria.
(40 C.F.R. § 141.63(b))

1998-2003

Failure to monitor for radionuclides. (40 C.F.R. § 141.26(a)(1))

2000-2003

Failure to submit Corrosion Control Study after exceeding the Action level for copper. (40 C.F.R. § 141.82(b))

1998-2003

Failure to monitor for inorganic contaminants. (40 C.F.R. § 141.23(c)(1))

2002

Failure to submit Consumer Confidence Report (CCR).
(40 C.F.R. § 141.152-155)

1998-2003

Failure to provide public notice for the above violations.
(40 C.F.R. § 141.32 and § 141.201)

1998-2003

Failure to notify the State of violations of the National Primary Drinking Water Regulations. (40 C.F.R. § 141.31(b))

1998-2003

Failure to notify the State of violations of the Total Coliform Rule.
(40 C.F.R. § 141.21(g)(2))

March 2000

Failure to notify the State of an exceedance of the Maximum Contaminant Level (MCL) for total coliform. (40 C.F.R. § 141.21(g)(1))



This NOTICE OF VIOLATION is issued pursuant to Section 1414(a) of the SDWA, 42 U.S.C. § 300g-3(a). If the State does not commence appropriate enforcement action within 30 days from the receipt of this notification, the Environmental Protection Agency (EPA) is authorized either to issue an Administrative Order under Section 1414(g) requiring the public water system to comply with the regulations or requirements, or to commence civil action under Section 1414(b).

Please inform EPA of any change in the compliance status of this system. You may wish to confer with my staff to determine the Agency's position concerning this system and to exchange appropriate information. If the State does not commence appropriate enforcement action within 30 days that results in compliance, EPA will proceed with issuance of an enforcement action. The technical contact for this case is Olive Hofstader.

A copy of this NOTICE OF VIOLATION has been concurrently sent to the system identified above. Also enclosed for the benefit of the Respondent is a copy of EPA's Small Business Regulatory Enforcement and Fairness Act (SBREFA) fact sheet containing information on compliance assistance resources and tools available to small businesses. EPA has agreed to notify small businesses of their right to comment on regulatory enforcement activities at the same time of an Agency enforcement action. SBREFA does not eliminate a Respondent's responsibility to comply with the Act, nor does it create any new defenses under the law.

Sincerely,

SIGNED

Diane L. Sipe, Director
Technical Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

SIGNED

Michael T. Risner, Director
David J. Janik, Supervisory Attorney
Legal Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

Enclosure

cc: Lori Gerzina, CDPHE
Paul Geisendorfer, Owner

**THIS DOCUMENT WAS FILED IN THE REGIONAL HEARING CLERK'S OFFICE ON
AUGUST 19, 2003.**



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